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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/090,071	06/03/1998	ROBIN MIHEKUM MILLER	60.115344	3501

34007 7590 05/21/2003

BROOKS & KUSHMAN P.C. / LEAR CORPORATION
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SOUTHFIELD, MI 48075

EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 05/21/2003

29

Please find below and/or attached an Office communication concerning this application or proceeding.

11

Office Action Summary

Application No.

09/090,071

Applicant(s)

MILLER, ROBIN MIHEKUM

Examiner

Kevin M. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Appeal Brief 2/3/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 18 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 18 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. In view of the supplemental appeal brief filed on 2/3/2003, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Fukatsu et al (US 5,576,724).

As to claim 18, Fukatsu et al teach a vehicle head-up display system comprising:
a source having reflecting mirrors 2 and 3, a display unit 1 for providing a heads-up display onto a windshield glass D of a moving vehicle (see figure 1, column 3, lines 1-5).

an arrangement for controlling (5) the contrast of the heads-up display relative to an environmental image approaching the moving vehicle (column 4, lines 1-9) wherein the arrangement includes a photo sensor 51 for capturing the image of the environment approaching the vehicle and a control circuit (5) coupled to the photo sensor 51 for controlling the contrast of the heads-up display in response to the environment image approaching the moving vehicle and

wherein the control circuit (5) selects an appropriate luminance, brightness, and color for the heads up display depend upon the capture image (see figure 4, column 6, lines 5-9 and lines 40-45).

As to claim 20, Fukatsu et al teach a method of providing a heads-up display comprising the steps of:

- a. providing a system having reflecting mirrors 2 and 3, a display unit 1, a control circuit 5, a photo sensor 4 for directing a heads-up display onto the windshield glass D of a moving vehicle (see figure 1, column 3, lines 1-5).
- b. directing a heads-up display having reflecting mirrors 2 and 3, a display unit 1, a control circuit 5, a photo sensor 4 onto the vehicle windshield glass D;
- c. controlling the contrast of the heads-up display relative to an environmental image approaching the moving vehicle wherein the steps of controlling includes a steps of capturing the image of the environment approaching the moving vehicle and controlling the contrast of the heads-up display in response the environment image captured and selects an appropriate luminance, brightness, and color for the heads up display depend upon the

capture image (see figure 12, column 6, line 54 through column 7 through column 8, line 24).

4. Claims 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Kadomuki et al (JP 2-227340).

As to claim 18, Kadomuki et al teach a vehicle head-up display system comprising:

a source having a CRT 2 for providing a heads-up display onto a windshield glass of a moving vehicle (see figure 1, page7 and page 9).

an arrangement for controlling (1) the contrast of the heads-up display relative to an environmental image approaching the moving vehicle wherein the arrangement includes a camera 5 for capturing the image of the environment approaching the vehicle and the signal processing unit (1) coupled to the camera 5 for controlling the contrast of the heads-up display in response to the environment image approaching the moving vehicle and

wherein the signal processing unit (1) selects an appropriate luminance, brightness, and color for the heads up display depend upon the capture image (see figures 1-5, page 12, line 25 through page 13, line 6).

As to claim 20, Kadomuki et al teach a method of providing a heads-up display comprising the steps of:

d. providing a system having reflecting combiner 4, a CRT 2, a signal processing unit 1, a camera 5 for directing a heads-up display onto the windshield glass of a moving vehicle (see figure 1, page7 and page 9).

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- e. directing a heads-up display having reflecting combiner 4, a CRT 2, a signal processing unit 1, a camera 5 onto the vehicle windshield glass;
- f. controlling the contrast of the heads-up display relative to an environmental image approaching the moving vehicle wherein the steps of controlling includes a steps of capturing the image of the environment approaching the moving vehicle and controlling the contrast of the heads-up display in response the environment image captured and selects an appropriate luminance, brightness, and color for the heads up display depend upon the capture image (see figures 1-5, page 12, line 25 through page 13, line 6).

Response to Arguments

- 5. Applicant's arguments with respect to claims 18 and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

- 6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Examiner
Art Unit 2674



**RICHARD HJERPE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**